

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT)
OWNERS COOPERATIVE, LLC,)
Plaintiff,)
v.)
CHARLES WHITMAN a.k.a. Chuck)
Whitman, C.T.W. DEVELOPMENT)
CORPORATION, RESTAURANT)
CONCEPTS UNLIMITED)
CORPORATION,)
Defendants.)
)
Civil Action No. 1:05-cv-10780-NMG

**JOINT MOTION TO EXTEND
DISPOSITIVE MOTION
DEADLINES ESTABLISHED
IN SCHEDULING ORDER**

The parties, Plaintiff The Ground Round Independent Owners Cooperative, LLC (the "Ground Round") and Defendants Charles Whitman, C.T.W Development Corporation, and Restaurant Concepts Unlimited Corporation hereby jointly move to extend the deadline for filing dispositive motions by two weeks from the current deadline of February 15, 2006 to March 1, 2006. Additionally, the parties jointly move to extend the deadline for oppositions to dispositive motions from February 28, 2006 to March 14, 2006.

As grounds for this motion, the parties state as follows:

1. The parties have endeavored in good faith to complete all fact discovery by the January 15, 2006 deadline set forth in this Court's September 23, 2005 scheduling order. The parties' good faith efforts to complete all fact discovery within the time standards include the efforts to complete all written discovery prior to the expiration of the discovery deadline.

2. Despite their best efforts, however, the parties were not able to schedule two critical depositions before January 15, 2006. The parties were unable to schedule these

depositions in part because of the conflicting schedules of those two witnesses, whose depositions were noticed within the discovery deadline, but will need to be taken within the next three weeks.

3. The earliest date that Ground Round's Rule 30(b)(6) witness will be available for deposition is February 13, 2006. (The other witness, Charles Whitman, is scheduled to attend his deposition on Friday, January 27.) As the current deadline for dispositive motions expires only two days after the earliest possible date for taking of the Ground Round's deposition, the parties would have almost no opportunity to file dispositive motions that reference Ground Round's deposition testimony.

4. None of the parties will be prejudiced by the requested extension.

5. Therefore, the parties respectfully request that the scheduling order be amended as follows:

	Current Date	Amended Date
Dispositive Motions to be Filed with Court	February 15, 2006	March 1, 2006
Opposition to Dispositive Motions Due	February 28, 2006	March 14, 2006

WHEREFORE, the parties respectfully request that, in the interests of justice, the scheduling order deadlines be extended as set forth above.

Respectfully submitted,

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 Independent Owners Cooperative, LLC

Dated: January 25, 2006

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Counsel for Defendants Charles Whitman
 a.k.a. Chuck Whitman, C.T.W.
 Development Corporation, and Restaurant
 Concepts Unlimited Corporation

LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that the provisions of Local Rule 7.1(A)(2) have been complied with and that I have conferred with Plaintiff's counsel in good faith to resolve and narrow the issues raised in the Joint Motion To Extend Dispositive Motion Deadlines Established In Scheduling Order. As a result of that conference, all parties have joined this motion.

/s/ Stephen D. Riden
 Stephen D. Riden
 Counsel to Defendants Charles Whitman
 a.k.a. Chuck Whitman, C.T.W.
 Development Corporation, and Restaurant
 Concepts Unlimited Corporation

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 25, 2006.

/s/ Stephen D. Riden
 Stephen D. Riden
 Counsel to Defendants Charles Whitman
 a.k.a. Chuck Whitman, C.T.W.
 Development Corporation, and Restaurant
 Concepts Unlimited Corporation